

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1958**

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### Introduced by Assembly Member Wood

February 12, 2016

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An act to amend Sections 4584 and 4621 ~~of of~~, and to add and repeal Section 4589 of, the Public Resources Code, relating to forestry.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1958, as amended, Wood. Forestry: timberlands: restoration and conservation forest management activities.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities. *Existing law authorizes a registered professional forester in an emergency to file, on behalf of a timber owner or operator, a specified emergency notice with the department that allows for the immediate commencement of timber operations.*

This bill would also, ~~until 7 years after the effective date of regulations adopted by the board implementing the provisions of the bill, January~~

*1, 2024, authorize the board to exempt from some or all of those provisions of the act a person cutting or removing trees in specified areas, including through commercial harvest, to restore and conserve California black or Oregon white oak woodlands and associated grasslands, as specified. The bill would require the department and board to evaluate the effects of this authorization and make recommendations based on that evaluation to the Legislature; review and submit a report to the Legislature on the trends in the use of, compliance with, and effectiveness of the above exemptions and emergency notice provision and specified regulations.*

Existing law ~~also~~ requires a person who owns timberlands that are to be devoted to uses other than the growing of timber to file an application for conversion with the board and requires the board to establish a system of graduated timberland conversion permit fees.

This bill would define “growing of timber,” for these purposes, to include restoration and conservation forest management activities, which may include the removal of commercial species, if necessary to achieve specific forest health and ecological goals, that are not conducted in conjunction with the cutting or removal of trees or other forest products during the conversion of timberlands to other uses.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4584 of the Public Resources Code is
- 2 amended to read:
- 3 4584. Upon determining that the exemption is consistent with
- 4 the purposes of this chapter, the board may exempt from this
- 5 chapter, or portions of this chapter, a person engaged in forest
- 6 management whose activities are limited to any of the following:
- 7 (a) The cutting or removal of trees for the purpose of
- 8 constructing or maintaining a right-of-way for utility lines.
- 9 (b) The planting, growing, nurturing, shaping, shearing, removal,
- 10 or harvest of immature trees for Christmas trees or other ornamental
- 11 purposes or minor forest products, including fuelwood.
- 12 (c) The cutting or removal of dead, dying, or diseased trees of
- 13 any size.
- 14 (d) Site preparation.

1 (e) Maintenance of drainage facilities and soil stabilization  
2 treatments.

3 (f) Timber operations on land managed by the Department of  
4 Parks and Recreation.

5 (g) (1) The one-time conversion of less than three acres to a  
6 nontimber use. A person, whether acting as an individual, as a  
7 member of a partnership, or as an officer or employee of a  
8 corporation or other legal entity, shall not obtain more than one  
9 exemption pursuant to this subdivision in a five-year period. If a  
10 partnership has as a member, or if a corporation or other legal  
11 entity has as an officer or employee, a person who has received  
12 this exemption within the past five years, whether as an individual,  
13 as a member of a partnership, or as an officer or employee of a  
14 corporation or other legal entity, then that partnership, corporation,  
15 or other legal entity is not eligible for this exemption. "Person,"  
16 for purposes of this subdivision, means an individual, partnership,  
17 corporation, or other legal entity.

18 (2) (A) Notwithstanding Section 4554.5, the board shall adopt  
19 regulations that do all of the following:

20 (i) Identify the required documentation of a bona fide intent to  
21 complete the conversion that an applicant will need to submit in  
22 order to be eligible for the exemption in paragraph (1).

23 (ii) Authorize the department to inspect the sites approved in  
24 conversion applications that have been approved on or after January  
25 1, 2002, in order to determine that the conversion was completed  
26 within the two-year period described in subparagraph (B) of  
27 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of  
28 the California Code of Regulations.

29 (iii) Require the exemption pursuant to this subdivision to expire  
30 if there is a change in timberland ownership. The person who  
31 originally submitted an application for an exemption pursuant to  
32 this subdivision shall notify the department of a change in  
33 timberland ownership on or before five calendar days after a change  
34 in ownership.

35 (iv) The board may adopt regulations allowing a waiver of the  
36 five-year limitation described in paragraph (1) upon finding that  
37 the imposition of the five-year limitation would impose an undue  
38 hardship on the applicant for the exemption. The board may adopt  
39 a process for an appeal of a denial of a waiver.

(B) The application form for the exemption pursuant to paragraph (1) shall prominently advise the public that a violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, is a violation of this chapter and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

(h) An easement granted by a right-of-way construction agreement administered by the federal government if timber sales and operations within or affecting the area are reviewed and conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

(i) (1) The cutting or removal of trees in compliance with Sections 4290 and 4291 that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break for a distance of not more than 150 feet on each side from an approved and legally permitted structure that complies with the California Building Standards Code, when that cutting or removal is conducted in compliance with this subdivision. For purposes of this subdivision, an “approved and legally permitted structure” includes only structures that are designed for human occupancy and garages, barns, stables, and structures used to enclose fuel tanks.

(2) (A) The cutting or removal of trees pursuant to this subdivision is limited to cutting or removal that will result in a reduction in the rate of fire spread, fire duration and intensity, fuel ignitability, or ignition of the tree crowns and shall be in accordance with any regulations adopted by the board pursuant to this section.

(B) Trees shall not be cut or removed pursuant to this subdivision by the clearcutting regeneration method, by the seed tree removal step of the seed tree regeneration method, or by the shelterwood removal step of the shelterwood regeneration method.

(3) (A) Surface fuels, including logging slash and debris, low brush, and deadwood, that could promote the spread of wildfire shall be chipped, burned, or otherwise removed from all areas of timber operations within 45 days from the date of commencement of timber operations pursuant to this subdivision.

1 (B) (i) All surface fuels that are not chipped, burned, or  
2 otherwise removed from all areas of timber operations within 45  
3 days from the date of commencement of timber operations may  
4 be determined to be a nuisance and subject to abatement by the  
5 department or the city or county having jurisdiction.

6 (ii) The costs incurred by the department, city, or county, as the  
7 case may be, to abate the nuisance upon a parcel of land subject  
8 to the timber operations, including, but not limited to, investigation,  
9 boundary determination, measurement, and other related costs,  
10 may be recovered by special assessment and lien against the parcel  
11 of land by the department, city, or county. The assessment may  
12 be collected at the same time and in the same manner as ordinary  
13 ad valorem taxes, and shall be subject to the same penalties and  
14 the same procedure and sale in case of delinquency as is provided  
15 for ad valorem taxes.

16 (4) All timber operations conducted pursuant to this subdivision  
17 shall conform to applicable city or county general plans, city or  
18 county implementing ordinances, and city or county zoning  
19 ordinances. This paragraph does not authorize the cutting, removal,  
20 or sale of timber or other solid wood forest products within an area  
21 where timber harvesting is prohibited or otherwise restricted  
22 pursuant to the rules or regulations adopted by the board.

23 (5) (A) The board shall adopt regulations, initially as emergency  
24 regulations in accordance with subparagraph (B), that the board  
25 considers necessary to implement and to obtain compliance with  
26 this subdivision.

27 (B) The emergency regulations adopted pursuant to  
28 subparagraph (A) shall be adopted in accordance with the  
29 Administrative Procedure Act (Chapter 3.5 (commencing with  
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
31 Code). The adoption of emergency regulations shall be deemed to  
32 be an emergency and necessary for the immediate preservation of  
33 the public peace, health, and safety, or general welfare.

34 (6) (A) Notwithstanding paragraph (1), the board may exempt  
35 from this chapter, or portions of this chapter, a person engaged in  
36 forest management whose activities are limited to the cutting or  
37 removal of trees on the person's property in compliance with  
38 Sections 4290 and 4291 that eliminates the vertical continuity of  
39 vegetative fuels and the horizontal continuity of tree crowns for  
40 the purpose of reducing flammable materials and maintaining a

1 fuel break for a distance of not more than 300 feet on each side  
2 from an approved and legally permitted habitable structure, when  
3 that cutting or removal is conducted in compliance with this  
4 subdivision and all of the following conditions are met:

5 (i) The notice of exemption is prepared, signed, and submitted  
6 by a registered professional forester to the department.

7 (ii) For the areas between 150 and 300 feet from the habitable  
8 structure, the operations meet all of the following provisions:

9 (I) The residual stocking standards are consistent with Sections  
10 913.2, 933.2, and 953.2 of Title 14 of the California Code of  
11 Regulations, as appropriate.

12 (II) Activities within this area will increase the quadratic mean  
13 diameter of the stand.

14 (III) The residual stand consists primarily of healthy and  
15 vigorous dominant and codominant trees from the preharvest stand,  
16 well distributed though the harvested area.

17 (IV) Postharvest slash treatment and stand conditions will lead  
18 to more moderate fire behavior in the professional judgment of  
19 the registered professional forester who submits the notice of  
20 exemption.

21 (V) Any additional guidance for slash treatment and postharvest  
22 stand conditions and any other issues deemed necessary that are  
23 consistent with this section, as established by the board.

24 (B) For purposes of this paragraph, “habitable structure” means  
25 a building that contains one or more dwelling units or that can be  
26 occupied for residential use. Buildings occupied for residential  
27 use include single family homes, multidwelling structures, mobile  
28 and manufactured homes, and condominiums. For purposes of this  
29 paragraph “habitable structure” does not include commercial,  
30 industrial, or incidental buildings such as detached garages, barns,  
31 outdoor sanitation facilities, and sheds.

32 (C) The department shall evaluate the effects of this paragraph  
33 and shall report its recommendations, before the paragraph becomes  
34 inoperative, to the Legislature based on that evaluation. The report  
35 shall be submitted in compliance with Section 9795 of the  
36 Government Code.

37 (D) The board shall adopt regulations to implement this  
38 paragraph no later than January 1, 2016.

1 (E) This paragraph shall become inoperative three years after  
2 the effective date of regulations adopted by the board pursuant to  
3 subparagraph (D) but no later than January 1, 2019.

4 (j) (1) The harvesting of trees, limited to those trees that  
5 eliminate the vertical continuity of vegetative fuels and the  
6 horizontal continuity of tree crowns, for the purpose of reducing  
7 the rate of fire spread, duration and intensity, fuel ignitability, or  
8 ignition of tree crowns.

9 (2) The board may authorize an exemption pursuant to paragraph  
10 (1) only if the tree harvesting will decrease fuel continuity and  
11 increase the quadratic mean diameter of the stand, and the tree  
12 harvesting area will not exceed 300 acres.

13 (3) Except as provided in paragraph (11), the notice of  
14 exemption, which shall be known as the Forest Fire Prevention  
15 Exemption, may be authorized only if all of the conditions specified  
16 in paragraphs (4) to (10), inclusive, are met.

17 (4) A registered professional forester shall prepare the notice  
18 of exemption and submit it to the director, and include a map of  
19 the area of timber operations that complies with the requirements  
20 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision  
21 (x) of Section 1034 of Title 14 of the California Code of  
22 Regulations.

23 (5) (A) The registered professional forester who submits the  
24 notice of exemption shall include a description of the preharvest  
25 stand structure and a statement of the postharvest stand stocking  
26 levels.

27 (B) The level of residual stocking shall be consistent with  
28 maximum sustained production of high-quality timber products.  
29 The residual stand shall consist primarily of healthy and vigorous  
30 dominant and codominant trees from the preharvest stand. Stocking  
31 shall not be reduced below the standards required by any of the  
32 following provisions that apply to the exemption at issue:

33 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
34 (1) of subdivision (a) of Section 913.3 of Title 14 of the California  
35 Code of Regulations.

36 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
37 (1) of subdivision (a) of Section 933.3 of Title 14 of the California  
38 Code of Regulations.

(iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph (1) of subdivision (a) of Section 953.3 of Title 14 of the California Code of Regulations.

(C) If the preharvest dominant and codominant crown canopy is occupied by trees less than 14 inches in diameter at breast height, a minimum of 100 trees over four inches in diameter at breast height shall be retained per acre for Site I, II, and III lands, and a minimum of 75 trees over four inches in diameter at breast height shall be retained per acre for Site IV and V lands.

(6) (A) The registered professional forester who submits the notice shall include selection criteria for the trees to be harvested or the trees to be retained. In the development of fuel reduction prescriptions, the registered professional forester should consider retaining habitat elements, where feasible, including, but not limited to, ground level cover necessary for the long-term management of local wildlife populations.

(B) All trees that are harvested or all trees that are retained shall be marked or sample marked by, or under the supervision of, a registered professional forester before felling operations begin. The board shall adopt regulations for sample marking for this section in Title 14 of the California Code of Regulations. Sample marking shall be limited to homogenous forest stand conditions typical of plantations.

(7) (A) The registered professional forester submitting the notice, upon submission of the notice, shall provide a confidential archaeology letter that includes all the information required by any of the following provisions that apply to the exemption at issue:

(i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of Section 929.1 of Title 14 of the California Code of Regulations, and include site records if required pursuant to subdivision (g) of that section or pursuant to Section 929.5 of Title 14 of the California Code of Regulations.

(ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of Section 949.1 of Title 14 of the California Code of Regulations, and include site records if required pursuant to subdivision (g) of that section or pursuant to Section 949.5 of Title 14 of the California Code of Regulations.

(iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of Section 969.1 of Title 14 of the California Code of Regulations,



1 and include site records if required pursuant to subdivision (g) of  
2 that section or pursuant to Section 969.5 of Title 14 of the  
3 California Code of Regulations.

4 (B) The director shall submit a complete copy of the confidential  
5 archaeological letter and two copies of all required archaeological  
6 or historical site records to the appropriate Information Center of  
7 the California Historical Resource Information System within 30  
8 days from the date of notice submittal to the director. Before  
9 submitting the notice to the director, the registered professional  
10 forester shall send a copy of the notice to Native Americans, as  
11 defined in Section 895.1 of Title 14 of the California Code of  
12 Regulations.

13 (8) Only trees less than 18 inches in stump diameter, measured  
14 at eight inches above ground level, may be removed. However,  
15 within 500 feet of a legally permitted structure, or in an area  
16 prioritized as a shaded fuel break in a community wildfire  
17 protection plan approved by a public fire agency, if the goal of  
18 fuel reduction cannot be achieved by removing trees less than 18  
19 inches in stump diameter, trees less than 24 inches in stump  
20 diameter may be removed if that removal complies with this section  
21 and is necessary to achieve the goal of fuel reduction. A fuel  
22 reduction effort shall not violate the canopy closure regulations  
23 adopted by the board on June 10, 2004, and as those regulations  
24 may be amended.

25 (9) (A) This subparagraph applies to areas within 500 feet of  
26 a legally permitted structure and in areas prioritized as a shaded  
27 fuel break in a community wildfire protection plan approved by a  
28 public fire agency. The board shall adopt regulations for the  
29 treatment of surface and ladder fuels in the harvest area, including  
30 logging slash and debris, low brush, small trees, and deadwood,  
31 that could promote the spread of wildfire. The regulations adopted  
32 by the board shall be consistent with the standards in the board's  
33 "General Guidelines for Creating Defensible Space" described in  
34 Section 1299.03 of Title 14 of the California Code of Regulations.  
35 Postharvest standards shall include vertical spacing between fuels,  
36 horizontal spacing between fuels, maximum depth of dead ground  
37 surface fuels, and treatment of standing dead fuels, as follows:

38 (i) Ladder and surface fuels shall be spaced to achieve a vertical  
39 clearance distance of eight feet or three times the height of the  
40 postharvest fuels, whichever is the greater distance, measured from

1 the base of the live crown of the postharvest dominant and  
2 codominant trees to the top of the surface fuels.

3 (ii) Horizontal spacing shall achieve a minimum separation of  
4 two to six times the height of the postharvest fuels, increasing  
5 spacing with increasing slope, measured from the outside branch  
6 edges of the fuels.

7 (iii) Dead surface fuel depth shall be less than nine inches.

8 (iv) Standing dead or dying trees and brush generally shall be  
9 removed. That material, along with live vegetation associated with  
10 the dead vegetation, may be retained for wildlife habitat when  
11 isolated from other vegetation.

12 (B) This subparagraph applies to all areas not described in  
13 subparagraph (A).

14 (i) The postharvest stand shall not contain more than 200 trees  
15 over three inches in diameter per acre.

16 (ii) Vertical spacing shall be achieved by treating dead fuels to  
17 a minimum clearance distance of eight feet measured from the  
18 base of the live crown of the postharvest dominant and codominant  
19 trees to the top of the dead surface fuels.

20 (iii) All logging slash created by the timber operations shall be  
21 treated to achieve a maximum postharvest depth of nine inches  
22 above the ground.

23 (C) The standards required by subparagraphs (A) and (B) shall  
24 be achieved on approximately 80 percent of the treated area. The  
25 treatment shall include chipping, removing, or other methods  
26 necessary to achieve the standards. Ladder and surface fuel  
27 treatments, for any portion of the exemption area where timber  
28 operations have occurred, shall be done within 120 days from the  
29 start of timber operations on that portion of the exemption area or  
30 by April 1 of the year following surface fuel creation on that  
31 portion of the exemption area if the surface fuels are burned.

32 (10) Timber operations shall comply with the requirements of  
33 paragraphs (1) to (10), inclusive, of subdivision (b) of Section  
34 1038 of Title 14 of the California Code of Regulations. Timber  
35 operations in the Lake Tahoe region shall comply instead with the  
36 requirements of paragraphs (1) to (16), inclusive, of subdivision  
37 (f) of Section 1038 of Title 14 of the California Code of  
38 Regulations.

1 (11) A notice of exemption, which shall be known as the Forest  
2 Fire Prevention Pilot Project Exemption, may be authorized if all  
3 of the following conditions are met:

4 (A) The conditions specified in paragraphs (2), (4), (6), (7), and  
5 (10) are met.

6 (B) Only trees less than 24 inches in stump diameter, measured  
7 at eight inches above ground level, may be removed. A fuel  
8 reduction effort shall not violate the canopy closure regulations  
9 adopted by the board on June 10, 2004, and as those regulations  
10 may be amended.

11 (C) (i) The registered professional forester who submits the  
12 notice of exemption shall include a description of the preharvest  
13 stand structure and a statement of the postharvest stand stocking  
14 levels.

15 (ii) The level of residual stocking shall be consistent with  
16 maximum sustained production of high-quality timber products.  
17 The residual stand shall consist primarily of healthy and vigorous  
18 dominant and codominant trees from the preharvest stand. Where  
19 present prior to operations, the overstory canopy closure for trees  
20 greater than 12 inches in diameter at breast height shall not be  
21 reduced below 50 percent. Stocking shall be met with the largest  
22 trees available prior to harvest and shall not be reduced below the  
23 standards required by any of the following provisions that apply  
24 to the exemption at issue:

25 (I) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
26 (1) of subdivision (a) of Section 913.3 of Title 14 of the California  
27 Code of Regulations.

28 (II) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
29 (1) of subdivision (a) of Section 933.3 of Title 14 of the California  
30 Code of Regulations.

31 (III) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
32 (1) of subdivision (a) of Section 953.3 of Title 14 of the California  
33 Code of Regulations.

34 (iii) If the preharvest dominant and codominant crown canopy  
35 is occupied by trees less than 14 inches in diameter at breast height,  
36 a minimum of 100 trees over four inches in diameter at breast  
37 height shall be retained per acre for Site I, II, and III lands, and a  
38 minimum of 75 trees over four inches in diameter at breast height  
39 shall be retained per acre for Site IV and V lands. The retained  
40 trees shall be the largest trees available prior to harvest.

1 (D) The activities conducted pursuant to this paragraph occur  
2 in the Sierra Nevada Region as defined in subdivision (f) of Section  
3 33302, in Modoc, Siskiyou, or Trinity Counties, or in any  
4 combination of these areas.

5 (E) All activities conducted pursuant to this paragraph occur  
6 within the most recent version of the department's Fire Hazard  
7 Severity Zone Map in the moderate, high, and very high fire threat  
8 zones.

9 (F) The department shall maintain records regarding the use of  
10 the exemption granted in this paragraph in order to evaluate the  
11 impact of the exemption on fuel reduction and natural resources  
12 in areas where the exemption has been used.

13 (G) This paragraph shall become inoperative three years after  
14 the effective date of regulations adopted by the board implementing  
15 this paragraph.

16 (12) After the timber operations are complete, the department  
17 shall conduct an onsite inspection to determine compliance with  
18 this subdivision and whether appropriate enforcement action should  
19 be initiated.

20 (k) The cutting or removal of trees, including through  
21 commercial harvest, to restore and conserve California black or  
22 Oregon white oak woodlands and associated grasslands, if all of  
23 the following requirements are met:

24 (1) A registered professional forester shall prepare the notice  
25 of exemption and submit it to the director. The notice shall include  
26 all of the following:

27 (A) A map of the area of timber operations that complies with  
28 the requirements of paragraphs (1), (3), (4), and (7) to (11),  
29 inclusive, of subdivision (x) of Section 1034 of Title 14 of the  
30 California Code of Regulations.

31 (B) A certification signed by the registered professional forester  
32 that a minimum of 35 square feet of basal area per acre of  
33 California black or Oregon white oak, or both, occupy the proposed  
34 treatment area at the time the notice is prepared and the timber  
35 operation is designed to restore and conserve California black and  
36 Oregon white oak woodlands and associated grasslands.

37 (C) A description of the preharvest stand structure and a  
38 statement of the postharvest stand stocking levels.

39 (2) No tree larger than 26 inches in diameter at stump height  
40 shall be harvested for commercial purposes, which includes use

1 for saw logs, posts and poles, fuel wood, biomass, or other forest  
2 products.

3 (3) Only conifers within 300 feet of a California black or Oregon  
4 white oak that are at minimum four inches in diameter at breast  
5 height may be harvested.

6 (4) The total area exempted pursuant to this subdivision shall  
7 not exceed 300 acres per property per five-year period.

8 (5) Conifer shall be reduced to less than 25 percent of the  
9 combined hardwood and conifer postharvest stand stocking levels.

10 (6) No more than 20 percent of the total basal area of preexisting  
11 oak stock shall be cut or removed during harvest and a minimum  
12 of 35 square feet of basal area per acre of California black or  
13 Oregon white oak, or both, shall be maintained postharvest.

14 (7) The registered professional forester submitting the notice,  
15 upon submission of the notice, shall provide a confidential  
16 archaeology letter that includes all the information required by  
17 paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of  
18 Section 929.1 of Title 14 of the California Code of Regulations,  
19 and site records if required pursuant to subdivision (g) of that  
20 section or pursuant to Section 929.5 of Title 14 of the California  
21 Code of Regulations.

22 (8) All slash created by the timber operations shall be treated  
23 to achieve a maximum postharvest depth of 18 inches above the  
24 ground within 24 months of the date of the director receiving the  
25 notice. Slash shall be configured so as to minimize the risk of fire  
26 mortality to the remaining oak trees.

27 (9) Timber operations shall comply with the requirements of  
28 paragraphs (1) to (10), inclusive, of subdivision (b) of Section  
29 1038 of Title 14 of the California Code of Regulations.

30 (10) On or before January 1, 2018, the board shall adopt  
31 regulations to implement this subdivision.

32 (11) This subdivision shall not apply to the Southern Subdistrict  
33 of the Coast Forest District, as defined in Section 895.1 of Title  
34 14 of the California Code of Regulations, or the Southern Forest  
35 District, as defined in Section 909 of Title 14 of the California  
36 Code of Regulations.

37 ~~(12) Within six years after the effective date of the regulations~~  
38 ~~adopted by the board pursuant to paragraph (10), the department~~  
39 ~~shall evaluate the effects of this subdivision and make~~  
40 ~~recommendations based on that evaluation to the Legislature in a~~

1 ~~report submitted pursuant to Section 9795 of the Government~~  
2 ~~Code.~~

3 ~~(13)~~

4 ~~(12) This subdivision shall become inoperative seven years after~~  
5 ~~the effective date of the regulations adopted by the board pursuant~~  
6 ~~to paragraph (10). on January 1, 2024.~~

7 *SEC. 2. Section 4589 is added to the Public Resources Code,*  
8 *to read:*

9 *4589. (a) On or before December 31, 2017, the department*  
10 *and board shall review and submit a report to the Legislature on*  
11 *the trends in the use of, compliance with, and effectiveness of the*  
12 *exemptions and emergency notice provisions described in Sections*  
13 *4584 and 4592 of this code and Sections 1038 and 1052 of Title*  
14 *14 of the California Code of Regulations. The report shall also*  
15 *include recommendations to improve the use of those exemptions*  
16 *and emergency notice provisions.*

17 *(b) The Department of Fish and Wildlife, regional water quality*  
18 *control boards, and the public shall be provided opportunities to*  
19 *participate in the review and the development of the report.*

20 *(c) The report shall be submitted pursuant to Section 9795 of*  
21 *the Government Code.*

22 *(d) This section shall remain in effect only until January 1, 2019,*  
23 *and as of that date is repealed, unless a later enacted statute, that*  
24 *is enacted before January 1, 2019, deletes or extends that date.*

25 ~~SEC. 2.~~

26 *SEC. 3. Section 4621 of the Public Resources Code is amended*  
27 *to read:*

28 *4621. (a) A person who owns timberlands that are to be*  
29 *devoted to uses other than the growing of timber shall file an*  
30 *application for conversion with the board. The board shall, by*  
31 *regulation, prescribe the procedures for, and the form and content*  
32 *of, the application. An application for a timberland conversion*  
33 *permit shall be accompanied by an application fee, payable to the*  
34 *department, in an amount determined by the board pursuant to*  
35 *subdivision (b).*

36 *(b) The board shall establish, by regulation, a system of*  
37 *graduated timberland conversion permit fees to finance the cost*  
38 *of administering this article.*

39 *(c) For purposes of this section, “growing of timber” shall*  
40 *include restoration and conservation forest management activities,*

1 which may include the removal of commercial species, if necessary  
2 to achieve specific forest health and ecological goals, including  
3 the restoration and conservation of oak woodlands, grasslands,  
4 wet meadows, and other ecologically important or unique habitats,  
5 that are not conducted in conjunction with the cutting or removal  
6 of trees or other forest products during the conversion of  
7 timberlands for other uses, including, but not limited to, residential  
8 or commercial developments, production of other agricultural  
9 crops, recreational developments, ski developments, water  
10 development projects, and transportation projects.

O